

Fiscal Services Division

Legislative Services Agency

Fiscal Note

HF 2577 – Sexual Misconduct with Offenders and Youth (LSB 5346 HV)
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Fiscal Note Version – New
Requested by Representative Bruce Hunter

Description

HF 2577 increases the penalty for an officer, employee, contractor, vendor, volunteer, or agent of a juvenile placement facility that engages in a sex act with a juvenile placed at such a facility. The penalty is increased from an aggravated misdemeanor to a Class D felony.

Background

- Enhancing penalties increases the average length of stay in prison and the incarceration rate (number of offenders sentenced to prison). The prison incarceration rate for sex offenders is 14.4% for aggravated misdemeanors and 51.5% for Class D felonies.
- There were three convictions for violations of Section 709.16, Code of Iowa, in FY 2007. One of the cases involved a juvenile. All three offenders were placed on probation. There were no convictions in FY 2006.
- Sex offenders convicted under Chapter 709, Code of Iowa, are subject to the requirements of the Sex Offender Registry, supervision and treatment in Community-Based Corrections (CBC), and electronic monitoring. Sex offenders convicted of an aggravated misdemeanor or Class D felony are also subject to the special sentence under Section 903B.2, Code of Iowa. This is a ten-year sentence that starts after serving the penalty for the aggravated misdemeanor or Class D felony.
- The fee limit for court-appointed counsel is \$1,200 for either an aggravated misdemeanor or a Class D felony.
- The Judicial Branch incurs average costs of \$120 for an aggravated misdemeanor bench trial, and \$900 for a trial by jury. Average costs for a Class D felony bench trial are \$300 and \$2,400 for a trial by jury.
- The marginal cost per day for State prisons is \$16.64 per offender. The average length of stay in prison for sex offenders is nine months for an aggravated misdemeanor conviction and 31 months for a Class D felony conviction.
- The average cost per day for parole is \$4.21 per offender. The average length of stay on parole is 5.32 months for an aggravated misdemeanor and 14.3 months for a Class D felony. These offenders also serve time for the special sentence of an additional 10 years on supervision after the original sentence is served.
- The average cost per for probation is \$3.70 per offender. The average length of stay on probation is 18.8 months for an aggravated misdemeanor and 32.6 months for a Class D felony. These offenders also serve time for the special sentence of an additional 10 years on supervision after the original sentence is served.
- Global Positioning System (GPS) bracelets cost \$7.88 per day per offender. The average cost for intensive supervision is \$6.64 per day per offender.

Assumptions

- Offender-based convictions for FY 2007 were used to estimate the number of future offenders.
- Charge, conviction, and sentencing patterns and trends will not change over the projection period.

- Offenders currently convicted of an aggravated misdemeanor will be convicted of a Class D felony under the Bill.

Correctional Impact

Enhancing the penalty increases the likelihood of a prison sentence. However, there are few charges and convictions for this offense. Therefore, the correctional impact to the State prison system is minimal.

Fiscal Impact

The cost difference between a sex offender conviction for an aggravated misdemeanor and a Class D felony is approximately \$10,000. The cost increase is primarily a function of length of time under correctional supervision, either in prison or community-based supervision.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Office of the State Public Defender
Judicial Branch

/s/ Holly M. Lyons

March 19, 2008

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
